

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 9/29, 2003

Signature:   
(Saeid Mirsawari)

Docket No.: 29627/36393  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Lowell R. Tully et al.

Reissue Serial No.: 09/759,823

Art Unit: 1734

Filed: January 12, 2001

Examiner: James D. Sells

Reissue Application of U.S. Patent No. 5,858,142

For: ANGULAR ORIENTATION CONTROL  
SYSTEM FOR FRICTION WELDING

### **ASSIGNEE'S CONSENT TO REISSUE FILING UNDER 37 CFR §1.172(a) AND OFFER TO SURRENDER ORIGINAL PATENT UNDER 37 CFR §1.178**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

S.S.D. Control Technology, Inc. (hereinafter "S.S.D."), a corporation of the State of Indiana having its principal place of business in South Bend, Indiana, declares the following upon information and belief of its President, Stephen R. Estes.

1. S.S.D. is the assignee and owner of the entire right, title and interest in and to U.S. Patent No. 5,858,142 (hereinafter "the '142 patent") for ANGULAR ORIENTATION CONTROL SYSTEM FOR FRICTION WELDING, the assignment being recorded in the U.S. Patent and Trademark Office on July 30, 2002 at Reel 013128, Frame 0571.

2. S.S.D. believes Lowell R. Tully, Stephen A. Johnson, Dave Konieczny and Stephen R. Estes are the inventors of the invention described and claimed in U.S. Patent No. 5,858,142 and in the referenced accompanying reissue application.

3. S.S.D., as assignee of the entire right, title and interest in and to U.S. Patent No. 5,858,142, consents to the filing of the referenced accompanying reissue application seeking the reissue of this patent.

4. S.S.D. further offers to surrender the original patent upon reaching agreement as to the allowability of the referenced accompanying reissue application.

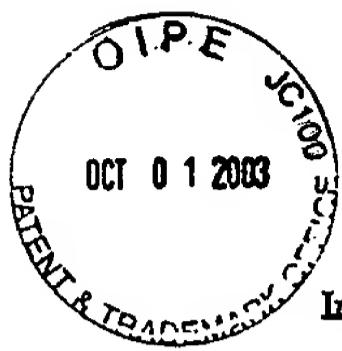
5. S.S.D. further declares that all statements made herein on the knowledge of the undersigned are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the references accompanying reissue application or any reissue patent granted thereon.

Dated: September 19<sup>th</sup>, 2003

Respectfully submitted,

S.S.D. Control Technology, Inc.

By Stephen R. Estes  
Stephen R. Estes, President



PATENT  
Docket No. 29627/36393

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

In re Reissue Application of:

Tully et al.

Reissue Application No.: 09/759,823

For: ANGULAR ORIENTATION  
CONTROL SYSTEM FOR  
FRICTION WELDING

Filed: January 12, 2001

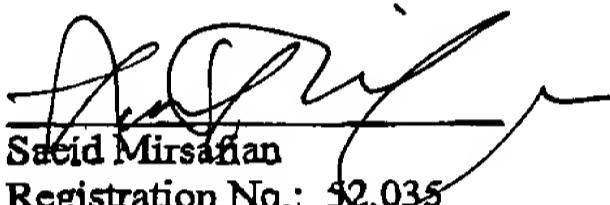
Group Art Unit: 1734

Examiner: James Sells

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail, in an envelope addressed Mail Stop: Non-fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

Date: 9/29/2003

  
Saeid Mirsaian

Registration No.: 52,035

**REISSUE DECLARATION**

Mail Stop: Non-fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. We (Lowell R. Tully, Dave Konieczny, Stephen A. Johnson and Stephen R. Estes), as named joint inventors, hereby declare that our residence, post office addresses and citizenship are as stated below after our names. We believe we are the original, first and joint inventors of the subject matter which is described and claimed in U.S. Patent No. 5,858,142 (hereinafter "the 142 patent"), issued on January 12, 1999, and for which invention we now solicit a broadening reissue patent.

2. We have assigned the entire right, title and interest in and to the '142 patent to Inertia Friction Welding, Inc. in an assignment recorded in the U.S. Patent and

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Trademark Office on December 9, 1997, at Reel 9222 Frame 0508 and believe that we have the right to make this declaration in accordance with 37 C.F.R. § 1.172(a) inasmuch as the referenced accompanying reissue application seeks to enlarge the scope of the claims of the '142 patent.

3. We hereby state that we have reviewed and understand the contents of the '142 patent, including the claims.

4. We believe the '142 patent to be partly inoperative or invalid by reason of our claiming less than we had a right to claim in the '142 patent. We claimed less than we had a right to claim because claim 1 represents the only independent claim in the '142 patent and contains the limitation "moving said holder toward said spindle." This limitation may be construed to limit the invention to a method that moves the holder towards the non-rotatable holder, which is not representative of the invention disclosed by us in the application. The invention described in the application includes friction welding two pieces together by bringing them together in any manner, whether the pieces are brought together by moving one piece, the other piece, or both pieces.

5. We believe the '142 patent to be partly inoperative or invalid by reason of our claiming less than we had a right to claim in the '142 patent. We claimed less than we had a right to claim because claim 1 is a method claim and represents the only independent claim in the '142 patent. Applicants' invention includes more than the methods for friction welding using the apparatus described in the specification, it includes the apparatus itself.

6. The error in claiming less than we had a right to claim arose without any deceptive intention on our part. The application that matured into the '142 patent was filed on December 9, 1997. The error occurred because at the time that the '142 patent was

prepared, prosecuted and ultimately issued, we did not have a complete understanding of the scope and meaning of language contained in patent claims.

7. All errors being corrected in this reissue application up to the time of filing of this oath or declaration arose without any deceptive intention on our part.

8. We acknowledge a duty to disclose information of which we are aware and which is material to the examination of this reissue application in accordance with 37 C.F.R. § 1.56(a).

9. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this reissue application or any reissue patent issued thereon.

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Inventors' Signature: James O. Sneyd

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Inventors' Signature: D. Gary Fawcett

Date: 8-25-03

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Inventors' Signature: Stephanie C. Clegg

Date: 8-25-2003

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